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2 **UNITED STATES DISTRICT COURT**  
3 **FOR THE NORTHERN DISTRICT OF NEW YORK**

4 JANE DOE, et al.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

5  
6 Plaintiffs,

7 vs.

8 HOWARD ZUCKER, et al.

DECLARATION OF N.F. IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A PRELIMINARY  
INJUNCTION

9 Defendants.  
10  
11

12 N.F. pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

13 2. I am the mother of a medically fragile sixteen-year-old girl in the New Paltz School  
14 District of New York.  
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16 3. I write this declaration in support of the Plaintiffs' motion for a preliminary injunction  
17 and as a potential class member in this suit.  
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19 12. Last fall, my daughter was starting a new medication that had potential serious side  
20 effects. To prevent diagnostic confusion in the event that a vaccine side effect occurred  
21 during that period, her pediatrician recommended that she get a three month exemption  
22 from immunizations and then resume the catch up schedule one vaccine at a time after so  
23 that we knew which medication was causing the problem if she encountered one.  
24

25 13. The school denied the initial exemption application and my daughter was removed  
26 from school.  
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28 DECLARATION OF N.F. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION -  
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2 14. More detrimentally, my child was taken out of her classroom and brought to the  
3 principal. He had no right to speak to her the way he did, making her feel like she had  
4 done something wrong. We were treated like we were criminals.  
5

6 15. I had to speak with the superintendent and demand that if there is paperwork due from  
7 the Dr's office or something that needs catching up on, that it is to be handled by the  
8 adults in her life and to let her focus on school. She is a minor and should not be dragged  
9 into following up on paperwork. I also asked the same of the nurse. "Please stop calling  
10 my daughter into your office! Call me!"  
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13 16. We then submitted a second exemption request that explained exactly how the  
14 exemption fit within the ACIP guidelines. Our doctor's reason for the delay falls squarely  
15 in the guidelines, so this wasn't hard. However, the follow up request was still denied.  
16

17 17. We had to appeal to the Commissioner of Education. We could not afford to hire an  
18 attorney. It was extremely stressful, took weeks to prepare, and we made a lot of mistakes  
19 trying to do it without representation.  
20

21 18. The appeal was finally successful but only after my daughter missed six weeks of  
22 school after she was removed initially. After the appeal was successful, the school let her  
23 resume studies but then again kicked her out shortly after when she attempted to follow  
24 the doctor's advice and get the boosters one at a time.  
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2 19. Ultimately, after a lot of expense and stress, they let her back in school but then she  
3 had to have the added stress of making up six weeks of work while attempting to keep up  
4 with the current work.  
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6 20. The anxiety, stress and isolation caused some very negative behaviors that were  
7 concerning. Also, my daughter's rheumatoid arthritis and Lyme disease symptoms were  
8 significantly exacerbated by her overly sped up catch up immunization schedule.  
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10 21. Schools have no business attempting to overrule treating physicians over treatment  
11 recommendations for medically fragile kids like my daughter.  
12

13 22. Wherefore, I respectfully ask this Court to grant the relief and let our children remain  
14 in school pending the outcome of this case and to stay the regulations that allow school  
15 districts to overrule treating physicians.  
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17 RESPECTFULLY SUBMITTED this 19 day of August 2020  
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21 N.F.  
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